
UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF TEXAS

UNITED STATES OF AMERICA

versus

JOHNNY LEE HICKMAN

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CASE NO. 1:07-CR-92

**MEMORANDUM ORDER ADOPTING THE MAGISTRATE JUDGE'S
REPORT AND RECOMMENDATION**

Before the court is a report and recommendation of the United States magistrate judge regarding defendant's competency. Counsel for the government and the defendant agree with the recommendation and stated that they have no objections to the recommendation.

Having conducted an independent review, the court concludes that the defendant is not competent to stand trial because he is unable understand the nature and consequences of the proceeding against him, and unable to assist his attorney in his defense. The court further concludes that the defendant should be committed to custody of the Attorney General to determine whether there is a substantial probability that defendant will in the foreseeable future become competent to stand trial.

Accordingly, the report and recommendation of the United States magistrate judge on defendant's competency to stand trial is **ADOPTED**. It is further

ORDERED that, under the provisions of Title 18, United States Code, section 4241(d), defendant is committed to the custody of the Attorney General, who shall hospitalize defendant for treatment in a suitable facility, other than in Atlanta, Georgia, so that he can be evaluated to determine whether there is a substantial probability that in the foreseeable future he will attain the capacity to permit the trial to proceed. Defendant is committed for such evaluation for a reasonable period, not to exceed four (4) months. It is further

ORDERED that the examiner conducting the psychiatric or psychological evaluation of defendant shall submit a written report comporting with Title 18, United States Code, section 4241(d)(1) to assist the court and the parties to determine the probability that defendant will be restored to competency or if further proceedings under Title 18, United States Code, Section 4241(d)(2) may be advisable. This report shall be forwarded to the undersigned Judge,¹ counsel for defendant,² and the Assistant United States Attorney of record in this cause.³

SIGNED at Beaumont, Texas, this 7th day of April, 2008.



MARCIA A. CRONE
UNITED STATES DISTRICT JUDGE

¹ The Honorable Marcia A. Crone, United States District Court, Eastern District of Texas.

² Gary R. Bonneaux, Esq., Assistant Federal Public Defender, Beaumont Division, Eastern District of Texas.

³ John B. Ross, Esq., Assistant United States Attorney, Beaumont Division, Eastern District of Texas.